

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**SWISSDIGITAL USA CO., LTD.**

**Plaintiff,**

**v.**

**WENGER S.A.**

**Defendant.**

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**Civil Action No. 6:21-cv-453-ADA**

**JURY TRIAL DEMANDED**

**CASE READINESS STATUS REPORT**

Plaintiff Swissdigital USA Co., Ltd. (“Swissdigital” or “Plaintiff”) and Defendant Wenger S.A. (“Wenger” or “Defendant”), hereby provide the following status report.

**FILING AND EXTENSIONS**

Plaintiff’s Complaint was filed on April 30, 2021. There was one extension to the deadline for Defendant’s responsive pleading for a total of 14 days.

**RESPONSE TO THE COMPLAINT**

On November 3, 2021, Defendant responded to the Complaint by filing a Motion to Dismiss for Lack of Personal Jurisdiction and 12(b)(6) Motion to Dismiss for Failure to State a Claim. *See* Dkt. 14.

**PENDING MOTIONS**

- Defendant’s 12(b)(2) Motion to Dismiss for Lack of Personal Jurisdiction and 12(b)(6) Motion to Dismiss for Failure to State a Claim (Dkt. 14).
- Plaintiff’s Unopposed Notice for Extension of Time to Respond to Defendant’s Motion to Dismiss (Dkt. 16).
- Defendant’s Unopposed Notice for Extension of Time to File Reply to Plaintiff’s Response to Motion to Dismiss (Dkt. 18).

- Joint Notice of Unopposed Request for Extension of Time to Serve Preliminary Infringement and Invalidity Contentions (Dkt. 17).

The deadline for Plaintiff to file a Response to Defendant's Motion to Dismiss is November 24, 2021. The deadline for Defendant to file a Reply is December 3, 2021.

#### **RELATED CASES IN THIS JUDICIAL DISTRICT**

There are no related cases between the parties in this judicial district.

#### **IPR, CBM, AND OTHER PGR FILINGS**

There are no known IPR, CBM, or other PGR filings.

#### **NUMBER OF ASSERTED PATENTS AND CLAIMS**

Plaintiff has asserted 2 patents containing a total of 41 claims. The asserted patents are U.S. Patent Nos. 10,574,071 and 10,931,138. Per the Parties' agreement, Plaintiff's Preliminary Infringement Contentions are due November 24, 2021.

#### **APPOINTMENT OF TECHNICAL ADVISER**

At this time, the parties do not request the appointment of a technical adviser in this case.

#### **MEET AND CONFER STATUS**

Plaintiff and Defendant met and conferred by telephone on November 8, 2021. At the meet and confer, the parties discussed Defendant's proposal that all deadlines be stayed pending the resolution of its Motion to Dismiss (Dkt. 14). Plaintiff opposes this proposal. The parties' competing positions are summarized below:

*Defendant's Position:* Neither Plaintiff nor Defendant have connections to this forum. In light of Defendant's pending due process challenge to personal jurisdiction and the lack of a connection between either party to this forum, it would be efficient to stay other case deadlines until the resolution of Defendant's jurisdictional challenge.

*Plaintiff's Position:* Plaintiff opposes Defendant's proposal to stay the case pending resolution of Defendant's motion. As Plaintiff will set out in its opposition, Defendant is a foreign company and can be sued anywhere in the United States including in the Western District of Texas and Defendant had full knowledge of Plaintiff's patent claims when it directed and induced the sales and use of infringing products in the United States and within this District and continues to do so and therefore is subject to the jurisdiction of this Court.

Dated: November 10, 2021

Respectfully submitted,

/s/ Dariush Keyhani

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/s/ Taylor Mauze

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**ATTORNEYS FOR DEFENDANT  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of November, 2021, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all attorneys or record who have who have consented to accept this Notice as service of this document by electronic means.

/s/ Dariush Keyhani

Dariush Keyhani